

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELYSE UNRATH

v.

STEAK AND ALE OF PENNSYLVANIA, CIVIL ACTION NO. 02-CV-3191  
INC. d/b/a BENNIGAN'S GRILL AND  
TAVERN

**PROPOSED VOIR DIRE**

Michael F. McCartin, Esquire, counsel for plaintiff, hereby submits the following voir dire:

**GENERAL**

1. Please state your full name, address, place of employment, occupation and marital status.
2. Is anyone here in poor health or does anyone require frequent medication?
3. Are there any members of the jury panel selected with you who you know well, to the extent that you would have difficulty deliberating with them?
4. The attorneys in this case are as follows: counsel for Plaintiff, Elyse Unrath is Michael F. McCartin, Esquire, of the firm of Murray L. Greenfield & Associates, with an office located at 9636 Bustleton Avenue, Philadelphia, Pennsylvania; counsel for Defendant, Steak and Ale of Pennsylvania, Inc. d/b/a Bennigan's Grill and Tavern, is Gehard P. Dietrich, Esquire of the firm Daller Greenberg & Dietrich, with an office located at 8 Tower Bridge, 161 Washington Street, Suite 900, Conshohocken, PA 19428-2060

a. Are you, or any member of your family, personally acquainted with or related by blood or marriage to any of those lawyers or any of the members of their law firm?

b. Have any of you, or any member of your family ever been a client or involved in any capacity with any of the lawyers in this case or their law firm?

c. Has anyone worked for any of the previously mentioned attorneys or their respective law firms?

d. The following is a list of those persons who may be called as witnesses at trial or whose records may be introduced as evidence at trial. After I have read this list to you, I will ask whether any of you is acquainted with, or has been treated by, or is related by blood or marriage, to any of those individuals:

1. Plaintiff, Elyse Unrath
2. Patricia Unrath
3. Natalie Friedland
4. Craig Glickman
5. Erin Ryan
6. Lauren Ingalls
7. Eric Blanchard
8. Thomas Fralin
9. Herbert S. Kaufman
10. David J. Bozentka, M.D.

5. Does anyone know any of the above potential witnesses?

6. Does/or did anybody here or a member of their family work for a hospital, doctor, nurse or any other business associated with the medical profession?

7. Have any of you read or heard anything about this case before we began this jury selection process?

8. Do you understand that this case is a civil action to recover money damages only, and does not involve any claim of criminal conduct by the Defendant?

9. The trial of this case will take approximately 2 - 3 days. Is there any compelling reason why you would be unable to serve as a juror for the period of time, and give your full attention to all of the evidence throughout that entire period, recognizing of course, that you will be permitted to return to your home at the end of each trial day?

10. This is an important case to all the parties involved, the Plaintiff as well as the Defendant, and that is why we are trying to get a jury that will come to it with an open mind and not start out favoring one side or another. Do you understand that?

11. Has anyone here ever been treated for a fractured humerus?

12. Has anyone here ever had and/or been treated for a broken bone?

13. Has anyone been treated by an orthopedic surgeon?

14. Has anyone here ever received plates and screws as a result of an orthopedic procedure?

15. Is anyone here a teacher?

16. Has anyone here worked at Bennigans?

17. Has anyone here gone to Bennigans?

18. Has anyone here gone to Bennigans on Cottman Avenue?

19. Does anyone here work in the medical field?

20. Does anyone here work in the legal field?

**BIAS AGAINST PERSONAL INJURY LAWSUITS**

1. Do you feel that there are too many personal injury lawsuits? Why do you feel this way?

2. Is there anything about this case or another case that you learned about from any source which would prevent you from approaching it with an open mind?

3. Do you think people turn too readily to the Courts to solve their problems?

4. Do any of you, because of any reading that you have accomplished, or any experience that you have had, harbor any feelings against the person who brings into court a personal injury action for the purpose of collecting money for the injuries allegedly incurred in such a case?

5. Have you read any recent articles in newspapers about crises in the courts regarding jury verdicts?

6. Have you ever participated in any discussion with other people concerning large verdicts of juries?

7. Do you feel that what you may have heard or felt about the jury system through newspaper reports, television, or discussions with friends should be a deciding factor in how you should decide this particular case?

8. Have you ever formed a really strong opinion about a personal injury case based upon what you have heard in the papers or seen on television concerning jury verdicts?

9. Based upon what you know, are you open-minded on the subject of what would be appropriate compensation for the Plaintiff?

**INSURANCE**

1. Have any of you or any members of your immediate family ever worked as a claims representative, investigator or adjuster?
2. Are any of you related by blood or marriage to anyone who is a claims investigator or adjuster?

**DAMAGES**

Plaintiff, Elyse Unrath, is suing because of the injures she sustained and are seeking money damages.

1. Is there anyone here who cannot award money damages to an injured party if proven by the evidence?
2. Is there anyone here who is opposed to a lawsuit for serious injuries and/or death as a result of the negligence of another person or company?
3. Is there anyone who thinks a lawsuit for injuries is unfair?
4. Is there anyone on this panel who, for religious or any other reasons, does not believe in the right to bring a lawsuit for serious or permanent injuries?
5. Do you belong to any corporation, society or organization which is opposed to lawsuits?
6. Do any of you have any personal convictions or fixed opinions that might make it difficult for you to award fair and adequate damages to Plaintiff for the injuries she has suffered, if the evidence during this trial supports the damages?

7. Is there anyone on the panel who feels that a person injured by someone else's actions or failure to act should not sue for damages as a result of those injuries, or is there anyone who feels that a person injured in an accident should just bear their own losses and their misfortune?

8. In a civil case, the law says Plaintiff need only prove his case by a fair preponderance of the evidence. Thus, if on any issue the Plaintiff proves that something more likely than not occurred, he has met his burden. Is there anyone here who has a quarrel with this?

9. Is there any reason why you cannot be a fair Juror in this case?

10. Can you keep an open mind on any effect the injury has upon the Plaintiff, should you find the Defendant is at fault?

11. Do any of you have any personal convictions or fixed opinions that might make it difficult for you to award fair and adequate damages to this Plaintiff for the injuries she has suffered, if the evidence during this trial supports the damages?

#### **PREVIOUS LITIGATION**

1. **Have any of you ever been a party to any lawsuit? Please explain.**

a. What were the circumstances?

b. Will this in any way influence your opinion either for or against the Plaintiff

or the Defendant?

3. Has any one of you ever been a witness in a lawsuit? Please explain.

#### **MISCELLANEOUS**

1. Will all of you promise to me that you will listen to all of the evidence and the judge's instructions on the law, and decide this case fairly, squarely, and impartially on the evidence and instructions?

2. Is there any reason whatsoever, whether I have mentioned it or not, why any of you feel you cannot be fair and impartial jurors in this case?

MURRAY L. GREENFIELD & ASSOCIATES

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MURRAY L. GREENFIELD, ESQUIRE  
MICHAEL F. McCARTIN, ESQUIRE  
Attorneys for Plaintiff